

REMARKS

Applicant respectfully requests reconsideration of this application, as amended, and consideration of the following remarks. Claims 1, 2, 7, 10, 11, and 16 have been amended. Claims 1, 2, 7, 10, 11, and 16 remain pending.

Summary of 10/28/09 Interview

Examiner Shrestha and Applicant's representative George Leavell discussed the rejections in the current office action. No specific amendments were discussed or agreed upon. Examiner Shrestha expressed several concerns about the current format of the claims and suggested a change in format would make the claims clearer and would better emphasize each limitation of the claims.

Amendments to the Claims

Applicant has amended the claims to more particularly point out what Applicant regards as the invention. No new matter has been added as a result of these amendments. Applicant has amended the claim format as submitted herein as requested by the Examiner such that the "functional language" as identified by the Examiner is expressed more specifically in terms of structure and that the features relied upon by the Applicant are more succinctly presented.

Rejections

Applicants respectfully request reconsideration of the rejection of claims 1, 2, 7, 10, 11, and 16 under 35 U.S.C. § 102(b) as being unpatentable over *Asami et al.* ("Asami") (US 2001/0005833 A1). As will be explained in more detail below, the *Asami* reference does not disclose each and every feature of the subject matter defined in independent claims 1 and 10.

Considering first independent claim 1, this claim is drawn to a commodity sales system. The commodity sales system includes at least one server computer including: a memory system, a commodity price specification module that includes computer programs stored in the memory system for receiving a purchase request of a

selected commodity from the user computer and for specifying a commodity price of the selected commodity. The at least one server computer also includes a storage module that stores a component price table including both a maximum trade-in price and a minimum trade-in price corresponding to each component included in a used personal computer. The at least one server computer also includes a maximum/minimum price determination module including computer programs in the memory system for receiving a trade-in request of a used personal computer and component information regarding each of components included in the used personal computer from the user computer, computer programs in the memory system for outputting a maximum trade-in price and a minimum trade-in price corresponding to each of the components based on the received component information from the component price table, and computer programs in the memory system for determining a maximum price of the used personal computer as a sum of the maximum trade-in prices of the components and a minimum price of the used personal computer as a sum of the minimum trade-in prices of the components.

The at least one server computer also includes a tentative quote setting module including computer programs in the memory system for setting the minimum price determined by the maximum/minimum price determination module to a tentative quote of the used personal computer. The at least one server computer also includes a deduction setting module including computer programs in the memory system for requiring an assessment of the used personal computer when the tentative quote exceeds a first reference value, upon receipt of the used personal computer by the commodity sales system to determine a final trade-in price of the used personal computer and computer programs in the memory system for setting the minimum price of the used personal computer to a deduction of the selected commodity, which is to be subtracted from a specified price of the commodity.

The at least one server computer also includes a sub-module including computer programs in the memory system for determining an assessment of the used personal computer is not required when the tentative quote is not greater than the first reference value but exceeds a second reference value which is smaller than the first reference value and computer programs in the memory system for setting the tentative quote of the used computer to the deduction of the commodity.

The at least one server computer also includes a sub-module including computer programs in the memory system for determining an assessment of the used

personal computer is not required when the tentative quote is not greater than the second reference value and computer programs in the memory system for setting a preset fixed price, which does not depend upon the tentative quote, to the deduction of the commodity. The at least one server computer also includes an amount payable notification module including computer programs in the memory system for subtracting the setting of the deduction from the specified price of the selected commodity to calculate a difference, computer programs in the memory system for notifying the user computer of the calculated difference as an amount payable and computer programs in the memory system for notifying the user computer of the maximum price and the minimum price of the used personal computer when the tentative quote exceeds the first reference value, including notifying that, if the final trade-in price of the used personal computer determined after the assessment exceeds the minimum price, an amount of difference between the final trade-in price and the minimum price is to be refunded to the user.

As specified in the claimed subject matter, the tentative quote setting module sets a minimum price determined by the maximum/minimum price determination module to a tentative quote of the used personal computer. The deduction setting module ("DSM") utilizes a first reference value and a second reference value which is less than the first reference value. When the tentative quote exceeds the first reference value, the DSM determines that an assessment of the used personal computer is required upon receipt, and sets the minimum price of the used personal computer to a deduction of the selected commodity. When the tentative quote is not greater than the first reference value but exceeds the second reference value, the DSM determines that the assessment is not required and sets the tentative quote of the used computer to the deduction of the commodity. And when the tentative quote is not greater than the second reference value, the DSM determines that the assessment is not required and sets a preset fixed price, which does not depend upon the tentative quote, to the deduction of the commodity.

Further, in the case where the tentative quote exceeds the first reference value, the amount payable notification module notifies the user computer of the maximum price and the minimum price of the used personal computer, and notifies that, if a final trade-in price of the used personal computer determined after the assessment exceeds the minimum price, an amount of difference between the final trade-in price and the minimum price is to be refunded to the user.

The *Asami* reference discloses a product distribution system and method for providing information to customers in the context of such a system. More specifically, *Asami* teaches an “owned item self-assessment capability...such that when a member enters various parameters applicable to an item which he owns on a resale assessment form provided by storeless sales system 5, product distribution system 1 automatically calculates and displays an assessment of the resale price for that owned item.” *Asami* at Paragraph [0137]. The parameters may include the “condition of any accessories, operational problems, scratches or defects, and the like for the product being assessed,” the entry of which results in calculation of deductions for each assessment parameter. *Asami* at Paragraph [0141]. The user can click a button to show results which “will calculate an assessed value by subtracting the total of those deductions from the resale price upper limit, and will display the results of that calculation on the assessment form.” *Asami* at Paragraph [0141].

While *Asami* teaches self-assessment of the resale price for an owned item before actual submission of the item, the subject matter defined in present claim 1 is directed toward a sales system which determines whether or not further (non-self) assessment is required after receipt of a used computer for trade-in based on comparison of a tentative quote with a first reference value. When the tentative quote exceeds the first reference value, an assessment is required upon receipt of the used computer. *Asami* does not teach such a feature for determining whether or not to conduct further non-self assessment after submission of an item.

Moreover, the Examiner states with reference to *Asami* that “if deduction for scratches and defects is greater than resale price of trade-in product, the assessment of trade-in product is not required.” Applicants respectfully traverse the Examiner’s characterization of the *Asami* reference in this regard.

First of all, Applicants are unable to find in the disclosure of *Asami* any teaching to this effect. Second, even assuming that the statement is supported by *Asami*’s disclosure, determining that the “deduction for scratches and defects is greater than resale price of trade-in product” would require assessment in the first place. It is self-contradictory to state that assessment is not required for a determined condition whose determination in itself requires assessment.

Further, *Asami* does not teach the claimed features relating to the use of first and second reference values, namely, setting the tentative quote as the deduction of

the commodity when the tentative quote exceeds the second reference value but not the first reference value, and setting a preset fixed price, which does not depend upon the tentative quote, to the deduction of the commodity when the tentative quote is not greater than the second reference value. Still further, *Asami* fails to teach the claimed amount notification module, which notifies the user computer when the tentative quote exceeds the first reference value, that if a final trade-in price of the used personal computer determined after the assessment exceeds the minimum price, an amount of difference between the final trade-in price and the minimum price is to be refunded to the user.

Thus, for at least the foregoing reasons, the *Asami* reference does not disclose each and every feature of the subject matter defined in present claim 1.

Independent claim 10 defines a commodity sales method that corresponds to the functionality of the commodity sales system defined in claim 1. As such, the arguments set forth above regarding present claim 1 also apply to present claim 10.

Accordingly, independent claims 1 and 10, as amended herein, are patentable under 35 U.S.C. § 102(b) over *Asami*. Claims 2 and 7, each of which depends from claim 1, and claims 11 and 16, each of which depends from claim 10, are likewise patentable under 35 U.S.C. § 102(b) over *Asami* for at least the same reasons set forth above regarding the applicable independent claim.

SUMMARY

In view of the foregoing amendments and remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact George B. Leavell at (408)774-6923.

Deposit Account Authorization

Authorization is hereby given to charge our Deposit Account No. 50-0805 (Ref ITECP003) for any charges that may be due or credit our account for any overpayment. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

MARTINE PENILLA & GENCARELLA, LLP

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